



April 1, 2003

TO: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: James E. Hartl, AICP
Director of Planning

SUBJECT: **REPORT TO THE BOARD OF SUPERVISORS ON OAK TREE PRESERVATION ORDINANCE** (Motion of JANUARY 14, 2003 – SYN. NO. 60)

BOARD REQUEST

At your meeting on January 14, 2003 your Board unanimously approved a motion by Supervisor Antonovich which “instructed the Director of Planning to review the Oak Tree Preservation Ordinance and make recommendations”.

BACKGROUND

An addition to County Code Title 22 (Planning and Zoning) establishing a permit requirement for the damaging or removing of oak trees was adopted by the Board of Supervisors in 1982. These provisions are contained in Part 16 of Chapter 22.56 of the County Code. Minor modifications to the ordinance provisions have been made over the years to improve procedures. The County Forester continues to work closely with the Department of Regional Planning in reviewing such applications and establishing suitable mitigation measures.

REGIONAL PLANNING COMMISSION INPUT

To help in preparation of this report, staff held a discussion with the Regional Planning Commission on February 12, 2003. The Commission has conducted hearings and made decisions on hundreds of oak tree permit applications over the past 20 years. Much of their advice was similar to the comments received in the past from the public. The Commission felt that the focus should be on native trees, and not on those planted for landscaping (especially in urban areas). In addition, the Commissioners suggested that different standards could be used for developed urban areas and outlying lands still in a natural setting, and to make

sure that replacement trees are sited in suitable habitats--not necessarily on the subject property. The Commission also stressed the need for achieving a balance between the need to protect oak trees with the need to provide housing and essential public services.

CONTINUING EFFORTS

Based on this department's experience in processing oak tree permits, as well as input from two public meetings held to discuss a proposed "protected tree" ordinance and consultation with oak tree experts—particularly the County Forester—thus far, we plan to proceed with the preparation of a public review draft of Oak Tree Permit provisions, revised to include some or all of the following features:

An emphasis, first, on tree protection; then on tree relocation—rather than removal—wherever feasible, including a longer monitoring period by the County Forester for both relocated and replacement trees: while the circumstances of each case is somewhat different, the Forester has indicated that the minimum two-year period now required may be too short in some cases.

More specific standards for "heritage" trees (36" or more in diameter): although the conditions imposed whenever a heritage tree is involved are typically more stringent than for smaller trees, more explicit standards—such as a higher replacement ratio--would further emphasize the importance of protecting such trees.

Clarification of activities that constitute "damage" to oak trees: certain activities such as picnicking or corrals within or near the dripline will be reviewed to determine if they should be exempted from the Oak Tree Permit procedures.

A simpler, less expensive, process to consider permits for encroachments into the protected zone of oak trees, especially those related to the use of a single-family residence: an administrative review by the County Forester may be sufficient for such permits, rather than a more costly, time-consuming review as currently exists.

Specification that only native species (indigenous to Southern California) are covered by the Oak Tree Permit.

Modification to the "oak forests special fund"--established by the Oak Tree Permit to provide a means for project mitigation when replacement or relocation is determined to be inappropriate—to help ensure the timely investment of such funds within the community directly impacted by the Permit.

As a more explicit deterrent to willful violation of the Oak Tree Permit ordinance, modify its provisions to specify that any violation shall require—at a minimum—a contribution to the oak forests special fund an amount equal to the “oak resource value”, as described in the ordinance.

Allowing an appeal to the Board of Supervisors of, or for an opportunity for the Board of Supervisors to call for review, an Oak Tree Permit decision by the Regional Planning Commission—regardless of whether or not there are concurrent components of the project that require Board action. Presently, Commission action is final unless the Permit is a component of a larger package of applications.

We anticipate conducting at least two community meetings on this ordinance later in the year, once the initial draft has been revised with the assistance of the County Forester. We will be contacting all Town Councils and major community groups to inform them of these meetings and of their opportunity to provide input on the subject. We would then ask the Regional Planning Commission to conduct a public hearing and to make a recommendation to your Board.

As has the Planning Commission, your Board has also acted on many oak tree permit applications over the years. Any observations and advice you may have for staff at this stage would be appreciated. If you have any question, need additional information or wish to pass on some suggestions on the subject, please call me or Leonard Erlanger of my staff at (213) 974-6467.

JEH:RDH:LRS

C: Chief Administrative Officer
County Counsel
Forestry Division, County Fire Department
Director, Department of Public Works
Executive Officer, Board of Supervisors